

AGENDA

BOARD OF HEALTH AND WELFARE May 21, 2009

Pete T. Cenarrusa Office Building
10th floor conference room
450 W. State Street, Boise

8:00 a.m.	<u>WORK SESSION</u> The Board will meet with Department of Health and Welfare staff for a work session and review of agenda items.	Dr. Richard Roberge, Chairman
9:00 a.m.	<u>BOARD MEETING</u> Roll Call	Dr. Richard Roberge, Chairman
9:05 a.m.	Public Comment Period (The Board will allow 15 minutes for the public to comment on any subject not specifically shown on the agenda.)	Dr. Richard Roberge, Chairman
9:20 a.m.	Adoption of minutes from the meeting held March 6, 2009 Tab 1	Dr. Richard Roberge, Chairman
9:30 a.m.	Support Services Report	David Taylor, Deputy Director
9:45 a.m.	FY 2010 Appropriation	Dick Humiston, Management Services Administrator
10:30 a.m.	Family and Welfare Services Report	Drew Hall, Deputy Director
11:00 a.m.	Health Services Report	Richard Schultz, Deputy Director
11:30 a.m.	H1N1 (Swine Flu) Update (working lunch)	Jane Smith, Division of Health Administrator
12:30 p.m.	Director's Report	Richard Armstrong, Director
1:00 p.m.	Criminal History and Background Check Tab 2 Docket No. 16-0506-0901 (Temporary)	Steve Bellomy, Management Services Bureau Chief

Withdrawn Tab 3	Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs Docket No. 16-0603-0901 (Repeal)	Kathleen Allyn, Behavioral Health Administrator
Withdrawn Tab 4	Alcohol and Substance Use Disorders Treatment and Recovery Support Services Facilities and Programs Docket No. 16-0720-0901 (Temporary)	Kathleen Allyn, Behavioral Health Administrator
1:15 p.m. Tab 5	Rules and Minimum Standards for NonHospital Medically-Monitored Detoxification/Mental Diversion Units Docket No. 16-0750-0901 (Rescind)	Kathleen Allyn, Behavioral Health Administrator
1:30 p.m. Tab 6	Rules and Minimum Standards for NonHospital Medically-Monitored Detoxification/Mental Diversion Units Docket No. 16-0750-0902 (Temporary)	Kathleen Allyn, Behavioral Health Administrator
1:45 p.m.	Old and New Business	Dr. Richard Roberge, Chairman
2:00 p.m.	<u>ADJOURN</u>	Dr. Richard Roberge, Chairman

Idaho Board of Health and Welfare
Minutes
May 21, 2009

The Board of Health and Welfare convened at:

Pete T. Cenarrusa Bldg.
450 W. State Street
Boise, Idaho

Board Members Present

Richard Roberge, M.D., Chairman
Richard Armstrong, Secretary
Dan Fuchs
Quane Kenyon
Darrell Kerby
Janet Penfold
Tom Stroschein
Stephen Weeg
Senator Patti Anne Lodge
Representative Sharon Block
Sara Stover

Staff Present

Drew Hall, Deputy Director, Family and Welfare Services
Richard Schultz, Deputy Director, Health Services
David Taylor, Deputy Director, Support Services
Elsie Boyd, Executive Assistant to the Director
Rob Luce, Deputy Attorney General
Kathleen Allyn, Behavioral Health Administrator
Jane Smith, Public Health Administrator
Christine Hahn, M.D., State Epidemiologist
Steve Bellomy, Audits and Investigations Bureau Chief
Tamara Prisock, Human Resources Program Manager

Others Present

Tammy Perkins, Office of the Governor

CALL TO ORDER

Following proper notice in accordance with Idaho Code Section 67-2343 and pursuant to call by the Chairman, the meeting of the Idaho Board of Health and Welfare was called to order by Dr. Richard Roberge, Chairman of the Board, at 8:20 a.m. Friday, May 21, 2009, at the Pete T. Cenarrusa Bldg., 450 W. State Street, at Boise.

ROLL CALL

Richard Armstrong, Secretary, called the roll. Roll call showed eleven members present. Absent and excused—none. With seven voting members present, Chairman Roberge declared a quorum.

PUBLIC COMMENT PERIOD

Chairman Roberge opened the floor for public comment. There being none, the Board advanced to the next order of business.

ADOPTION OF BOARD MINUTES FROM THE MEETING HELD MARCH 6, 2009

Motion: Quane Kenyon moved for adoption of the minutes of the meeting held March 6, 2009.

Second: Stephen Weeg

Vote: Ayes: Fuchs, Kenyon, Kerby, Penfold, Roberge, Stroschein, Weeg--7
Nays: None

Motion carried.

SUPPORT SERVICES REPORT

Continuity of Operations Plan (COOP)

On September 23, 2008, Governor Otter issued a directive to all state executive branch agencies with responsibilities delineated in the Idaho Emergency Operations Plan to complete and submit a continuity of operations plan (COOP) to the Director of the Idaho Bureau of Homeland Security by June 30, 2009. COOP is about planning how we will continue our essential functions if our facility, technology or staff is incapacitated. The plan will be submitted June 17.

Modernization of Child Support (MOCS)

The Modernization of Child Support (MOCS) project has started to pilot the next version of the eCaseFile application. Currently, Child Support Staff is being trained on how to use the application; at completion of training they will be able to scan, classify, and search for forms within the Electronic Case file software. The project budget was by \$735,000 when the Joint Finance-Appropriations Committee requested the reversion of one-time funds. The funds would have been used to scan case files into electronic documents. However, with the Governor's approval, the Department hopes to restore these funds with money from the federal American Recovery and Reinvestment Act (stimulus) package. This tool will be available by the end of June.

Idaho Benefits Eligibility System (IBES)

The Idaho Benefits Information System (IBIS) has received a name change. It will be called the Idaho Benefits Eligibility System (IBES). The name change came about at the request of the State Controller's Office, which has a separate program called IBIS (Idaho Business Intelligence Solution). To prevent potential confusion for users and system support staff, it was necessary to identify a new name for the automated system that is replacing EPICS.

The efforts of the project team have been focused on continued configuration and modification of the Case Management System, continued validation testing, completing future business work flows for use with IBES, defining the IBES implementation plan, staff IBES readiness activities,

development of interactive web-based IBES training, communication with Division of Welfare partners, and completing the last Eligibility Programs Integrated Computer System (EPICS) training to be conducted for new staff.

The Division of Information Technology Services Application Development and Support team is aligning its strategy to provide long-term support of Welfare's new business model. Staff is being scheduled for advanced Java training. Development teams are modifying and testing application interfaces. The Infrastructure team continues to work on security and hardware tasks as needed based on project backlog items. Operations Bureau is defining after-hours' support processes and procedures; they continue to work with the Self Reliance service desk team to establish sound service-desk procedures. October 5 is the "go live" date for this project.

Medicaid Management Information System (MMIS)

The State terminated the contract with ACS for the Pharmacy Benefits Management System March 30, as that company was not successful in submitting a system design. The Department has been working with State Purchasing to issue a Request for Information (RFI). Three bids were received and the Department believes it will be in the best interest of the project to negotiate with First Health. The Department will want an escrow account established in the event this vendor should default.

There does not appear to be sufficient time established for the Unisys system testing and integration testing, and the development of test cases is behind schedule. Unisys provided a schedule and plan to get testing back on track, but it is still behind, and the projected time period for completion is not feasible.

Legislative Single Audit

The single audit of Legislative Services was released for State Fiscal Year ending June 30, 2008. Four findings were included. First was, "Medicaid eligibility data in the Eligibility Programs Integrated Computer System (EPICS) is still not reconciled to the Medicaid Automated Information System (AIM)." This finding was also on last year's report, and will be resolved with the new system.

The second finding relates to the use of funds allocated to Temporary Assistance to Needy Families (TANF) and Child Support grants for limited services costs. The Department does not agree with the interpretation of the Legislative Audit staff and has documentation from the Centers for Medicare and Medicaid Services (CMS) in support of its current use.

The Department is in agreement of the remaining two findings, which relate to payments allocated to the TANF grant. The Department will correct these issues and does not believe any penalties will be assessed by CMS.

Dick Humiston, Management Services Administrator, will retire May 29, after 35 years of invaluable service to the State of Idaho.

FY 2010 APPROPRIATION

The estimated cutbacks to the Fiscal Year 2010 appropriation included \$38,713,300 to the General Fund. Funding to be acquired under the federal American Recovery and Reinvestment Act (stimulus) will be used to address some of those shortfalls. The Division of Health took significant reductions, including \$2 million to the Immunization Program. The Department will request reserve money appropriated to the Governor in order address cuts to the State hospitals. Several contracts and grants have been cancelled, and the impact will be seen by the health districts. Dedicated and Federal funds will be reduced 3 percent and by 5 percent in SFY 2011. Additionally, the Department will have the ability to move Personnel dollars to the Operating category and this year Operating to Personnel. Some personnel layoffs will occur, but those are anticipated to be minimal. Staff furloughs will most likely be instituted. The preservation of front-line staff will be a priority. The total appropriation is just under \$2 billion.

FAMILY AND WELFARE SERVICES REPORT

Family and Community Services

- The Division of Family and Community Services is midway through the first quarter of its two-year Performance Improvement Plan (PIP). The first quarter runs from April through June. Several of the first quarter goals have been completed. Each region has developed a Regional Improvement Plan outlining strategies for improvement in the areas found on the federal review. Additionally, the Division has completed process mapping of adoption and licensing functions which will be utilized to streamline and improve these functions. Finally, the Division has surveyed regional staff regarding the effectiveness of legal services around Child Welfare. Survey results will be supplemented by focus groups meeting with representatives of the regions, the Supreme Court, and the Attorney General's Office.
- The Division has entered the period of review for the Title IV-E Audit which will occur in the Spring of 2010. Divisional preparation for the audit will include a review of all foster care and residential treatment placements that received Title IV-E funds. An estimated 1300 licenses will be reviewed. Prior to the federal review the Division will perform its own review to assure compliance. The last federal review occurred three years ago with Idaho being found in compliance and no requirement for a Performance Improvement Plan for this funding source.
- New daycare legislation passed the Idaho Legislature and was signed into law by the governor. The legislation helps to assure safety by lowering the ratio of children to caretakers, creating fire standards, requiring criminal history background checks for individuals coming into contact with children and requiring providers to pass a criminal history background check to be paid by the Idaho Childcare Program. The Division is developing the Idaho CareLine as the referral source for childcare complaints. A data system for tracking complaints and complaint resolutions is also being developed. Rule changes will be presented to the Board of Health and Welfare and the Legislature for approval during the next session.
- The Division coordinated with the Division of Welfare and the Division of Medicaid in the development of interfaces between the Child Welfare data system (FOCUS) and the Self-Reliance and Medicaid systems (IBES, ICES and MMIS). Federal requirements

mandate that the FOCUS system has automated interfaces with the Medicaid system and the Child Support Enforcement system.

- In partnership with Medicaid, the Developmental Disability Program continues to respond to requests for increased service hours for Developmental Disability Agencies (DDA) and Intensive Behavioral Intervention Services (IBI) under the Early Periodic Screening, Diagnosis, and Treatment (EPSDT) Program for children. To date we have made determinations on 98 requests for expanded hours, approving roughly 70 percent of the requests.
- With the approval of changes to the Service Coordination Rules the Division's Developmental Disabilities and Infant and Toddler programs are changing both program procedures and their relationships with Medicaid providers. The change in reimbursement from a once-a-month fee to billing for 15 minute increments necessitates changes in procedures, changes to the service plan and additional training for providers. The Infant and Toddler Program will now assure quality service coordination as the only provider that can bill Medicaid for service coordination to Infants and Toddlers. The program is developing contracts with private agencies to increase the quality of service coordination.
- With legislative intent the Division has begun to develop a report for the germane committees and Joint Finance-Appropriations Committee (JFAC) around the role of the Idaho State School and Hospital (ISSH) and the transition of ISSH clients to the community and other private institutional settings. To develop the report, the Division will hold discussions with stakeholders, review the clients at ISSH, examine barriers and solutions, and provide a detailed cost analysis of transition possibilities.
- The Division received permission to use federal American Recovery and Reinvestment Act (stimulus) funds to continue the development of an automated system for the Infant and Toddler Program. Funds will be used to enhance the system's capacity, to streamline current processes, and follow legislative intent language to share costs with families utilizing this service.

Division of Welfare

As changes have implemented changes to the application process, Self Reliance has improved application processing to the highest performance since the implementation of EPICS. Despite an exploding caseload in the Food Stamp Program, improvements continue to be made in both performance and customer service. Although the number of applications has significantly increased, the processing of Food Stamp applications is an average of 8 days. This is even improved from last year when processing of Food Stamp applications were an average of 12 days.

The percentage of food stamps approved in the first day went from 14- to 25 percent. This was possible because of the New Service Delivery Model and electronic tools that enabled assistance to the customer at the first point of contact while not obtaining more FTE's to handle the increase in food stamp recipients.

Self Reliance has also completed the transition of all Food Stamp maintenance activities to the Treasure Valley Processing Center. This is a significant accomplishment as the recertifications and changes can be handled on an overall 28 percent higher caseload than last year. This consolidation and specialization of work has added efficiencies to the operational design as more work is completed with the same number of staff and with improved performance.

Self Reliance received a request from the Urban Institute to research all areas of the Food Stamp Program to include policy, re-engineering, technology and partner outreach. The Urban Institute received a research grant from the Federal Government to review State Food Stamp programs and Idaho was one of those States chosen. They conducted their onsite visit from May 13 through the 15th. This was an exciting opportunity for Self Reliance to show its New Service Delivery model and electronic tools; all which help to serve customers better.

Self Reliance has also received requests from other State Food Stamp Programs to visit Idaho to learn what has made Idaho's Self Reliance system so successful.

Self Reliance implemented a new statewide Enhanced Work Service contract. This new contract will unify procedures, simplify reporting and consolidate management. Prior to this award the Department was being serviced by four separate vendors.

HEALTH SERVICES REPORT

- Cutbacks realized by the Department of Health and Welfare include \$2 million in General Funds to the purchase of vaccine. Previously, vaccine for all children was made available without charge through the federal Vaccine for Children (VFC) program (for uninsured and underinsured) and the General Fund (for all others). Insurance companies did not provide coverage because the vaccine was available through the State. With the cutback, insurers will have to look to providing coverage. In the meantime, the Department is exploring a State contract through an emergency clause with the Division of Purchasing. This would allow for the purchase of vaccine at a reduced rate, to be provided for children not covered by the VFC program. Other options for the following year are being explored with a private-sector group of insurers and physicians.
- A lawsuit was brought against the Department as a result of cuts made to school-based therapeutic services paid by Medicaid. The result has been that the Department cannot refuse payment for services provided in schools and parents can choose the provider, whether in or outside the school. Additionally, the Department was assessed attorney fees.
- The Department requested approval from the Centers for Medicare and Medicaid Services (CMS), for the removal of payment for non-emergency transportation services for Medicaid recipients from the State plan. This request has been denied.
- The number of individuals being served by the adult mental health program is dropping significantly; the Department has been striving to create uniformity as to how long a case remains open. Involuntary commitments from the courts to the Department remain static. The waiting time for a committed individual to move from community hospitalization to

a State hospital has gone down. The decrease in admissions to State Hospital South is the result of two physicians leaving.

- The Substance Use budget continues to grow, currently costing \$2.1 million per month. This figure will have to drop to \$1.9 million due to cutbacks, through management of the number of individuals allowed into the program.
- The Governor's Behavioral Health Transformation Workgroup recently voted to work with the WICHE group to facilitate and move forward its efforts to reform Idaho's mental health system. A plan is due to the Governor by December.

H1N1 (SWINE FLU) UPDATE

Novel influenza A (H1N1) is a new flu virus of swine origin that first caused illness in Mexico and the United States in March and April, 2009. It's thought that novel influenza A (H1N1) flu spreads in the same way that regular seasonal influenza viruses spread, mainly through the coughs and sneezes of people who are sick with the virus, but it may also be spread by touching infected objects and then touching your nose or mouth. Novel H1N1 infection has been reported to cause a wide range of flu-like symptoms, including fever, cough, sore throat, body aches, headache, chills and fatigue. In addition, many people also have reported nausea, vomiting and/or diarrhea.

The World Health Organization (WHO) is the agency to declare a pandemic, should one exist. Their criteria includes community-level outbreaks in at least one other country in a different WHO region in addition to human-to-human spread of the virus into at least two countries in one WHO region.

Idaho has 9 confirmed cases of H1N1, with approximately 500 persons tested by the Bureau of Laboratories to date. Seventeen percent of influenza viruses detected last week were due to the novel H1N1 flu.

DIRECTOR'S REPORT

- The Office of Performance Evaluations (OPE) issued a second follow-up report to its 2006 report identifying management concerns in the Department of Health and Welfare. OPE reported its findings to the Joint Legislative Oversight Committee (JLOC), noting significant improvements in communication and new steps taken by the Department to improve its management of workload and staffing. JLOC concurred with the recommendation by OPE to close this review.
- Currently, six legislative auditors are house at and audit the Department year round. The 8,600 audit hours billed the Department produced four findings, findings which aren't new to the current audit. The Director requested and received information about the audit process followed by various sister-agencies around the country. The result showed a significantly different situation in each state surveyed. The Department will produce a letter of engagement and work with the Office of Legislative Services to bring its audit more in line with what occurs in other states. This should also free-up staff and time for Legislative Services to perform the additional audits that will be required due to Idaho's receipt of federal stimulus dollars.

- In an effort to reduce the personnel budget, the decision has been made to hub responsibilities of the Regional Directors. The positions will be cut to three, which will reduce the personnel by \$500,000. Community development activities will lessen, but maintaining the three positions will ensure some support at the local level.
- Legislation was passed giving the Department of Health and Welfare responsibility for providing case management for medically indigent services. Work will be done with the counties and hospital association over the next year to create rules to help make the program operational.

CRIMINAL HISTORY AND BACKGROUND CHECK, DOCKET NO. 16-0506-0901 (TEMPORARY)

The Department of Health and Welfare has added certain individuals and providers who are required to have criminal history and background checks under other Department rule chapters. This chapter of rules is being updated to add those individuals and providers to the list of those who are required to have checks, including references to the programs' rule chapters. The programs or individuals being added are: Alcohol or substance use disorders treatment facilities and programs for adults, designated examiners and designated disposition, Idaho Child Care Program, and non-hospital, medically-monitored detoxification/mental health diversion units.

Motion: Stephen Weeg moved to amend the proposed rule Docket No. 16-0506-0901, changing the effective date of 100.17 from March 30, 2009, to October 1, 2008.

Second: Quane Kenyon

Vote: Ayes: Fuchs, Kenyon, Kerby, Penfold, Roberge, Stroschein, Weeg--7
Nays: None

Motion carried.

Motion: Stephen Weeg moved that the Idaho Board of Health and Welfare adopt the "Temporary" rules for the "Criminal History and Background Checks", as amended, presented under Docket No. 16-0506-0901, with multiple effective dates of October 1, 2008, January 1, 2009, March 20, 2009, and July 1, 2009..

Second: Janet Penfold

Vote: Ayes: Fuchs, Kenyon, Kerby, Penfold, Roberge, Stroschein, Weeg--7
Nays: None

Motion carried.

ALCOHOL AND SUBSTANCE USE DISORDERS TREATMENT AND RECOVERY, SUPPORT SERVICES FACILITIES AND PROGRAMS, DOCKET NO. 16-0603-0901 (REPEAL)

Docket No. 16-0603-0901 was withdrawn.

**ALCOHOL AND SUBSTANCE USE DISORDERS TREATMENT AND RECOVERY, SUPPORT SERVICES
FACILITIES AND PROGRAMS, DOCKET NO. 16-0720-0901 (TEMPORARY)**

Docket No. 16-0720-0901 was withdrawn.

**RULES AND MINIMUM STANDARDS FOR NONHOSPITAL MEDICALLY-MONITORED
DETOXIFICATION/MENTAL DIVERSION UNITS, DOCKET NO. 16-0750-0901 (RESCIND)**

Docket No. 16-0750-0901 was withdrawn.

**RULES AND MINIMUM STANDARDS FOR NONHOSPITAL MEDICALLY-MONITORED
DETOXIFICATION/MENTAL DIVERSION UNITS, DOCKET NO. 16-0750-0902 (TEMPORARY)**

Docket No. 16-0750-0902 was withdrawn.

MEETING SCHEDULE

Legislation was introduced and passed during the 2009 Legislative Session to move meeting of the Board of Health and Welfare to quarterly.

Motion: Quane Kenyon moved that the next meeting of the Idaho Board of Health and Welfare be held August 17, 2009, and quarterly thereafter..

Second: Stephen Weeg

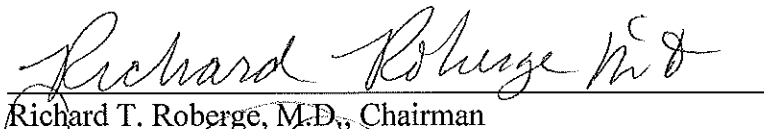
Vote: Ayes: Fuchs, Kenyon, Kerby, Penfold, Roberge, Stroschein, Weeg--7
Nays: None

Motion carried.

ADJOURNMENT

The next meeting of the Board of Health and Welfare is scheduled to be held August 17, 2009. There being no further business to come before the Board, Chairman Roberge adjourned the meeting at 2:10 p.m.

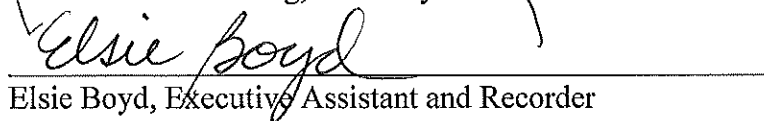
Respectfully signed and submitted by:



Richard T. Roberge, M.D., Chairman



Richard M. Armstrong, Secretary



Elsie Boyd, Executive Assistant and Recorder